



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 9, 2024

By ECF

The Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Abadi v. American Airlines, Inc., et al.*, No. 23 Civ. 4033 (LJL)

Dear Judge Liman:

This Office represents the U.S. Department of Health and Human Services, the Centers for Disease Control and Prevention, the National Institutes of Health, Dr. Anthony Fauci, and Dr. Robert Redfield (together, the “Federal Defendants”) in the above action. I write in response to Plaintiff’s letter (ECF No. 315) requesting that President Biden be reinstated as a defendant in this matter in light of the D.C. Circuit’s recent opinion in *United States v. Trump*.

United States v. Trump provides no basis to reinstate President Biden as a defendant in this matter. As the D.C. Circuit recognized, “the Supreme Court has explained that a former president”—much less a sitting president—“is absolutely immune from civil liability for his official acts.” *United States v. Trump*, No. 23-3228, 2024 WL 436971, at *8 (D.C. Cir. Feb. 6, 2024) (citing *Nixon v. Fitzgerald*, 457 U.S. 731, 756 (1982)).

The D.C. Circuit did not disturb this well-established precedent. Instead, the court merely declined to “extend the framework for Presidential civil immunity to criminal cases and decide for the first time that a former President is categorically immune from federal criminal prosecution for any act conceivably within the outer perimeter of his executive responsibility.” *Trump*, 2024 WL 436971, at *8.

Because this is a civil lawsuit that seeks to hold President Biden liable for official acts, President Biden remains absolutely immune from suit. I thank the Court for its consideration of this matter.

Respectfully,

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United States Attorney

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